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Attorney for Defendant  
LLOYD WINBURN

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. S. 97-00216-GEB
	)	
Plaintiff,	)	UNOPPOSED
	)	MOTION TO TERMINATE SUPERVISED
v.	)	RELEASE UNDER 18 U.S.C.
	)	§ 3583(E) (1)
LLOYD WINBURN,	)	
	)	
Defendant.	)	Judge: Hon. Garland E. Burrell Jr.
	)	
_____	)	

Defendant, LLOYD WINBURN, hereby moves the Court to terminate his term of supervised release pursuant to 18 U.S.C. § 3583(e)(1). Supervised release began on May 11, 2006. The probation officer and the government do not oppose this motion.

Title 18, section 3583(e)(1) of the United States Code permits the Court to terminate a defendant's term of supervised release at any time after the expiration of one year of supervision if the Court is "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." Mr. Winburn has

1 completed a year of supervised release as of the date of this motion.

2 Mr. Winburn's current probation officer, Shelly Gonshak-Peters of  
3 the District of Arizona, has indicated that Mr. Winburn has completed  
4 all of the special conditions of his supervised release. He has  
5 satisfied all requirements of supervised release and owes no  
6 restitution. Ms. Gonshak-Peters has told counsel for the defendant  
7 that Mr. Winburn is not using any services through the probation  
8 office, and that based on his age (80 years old) and the nature of the  
9 crime she does not feel he is a threat to the community. On May 22,  
10 2007, Ms. Gonshak-Peters confirmed with defense counsel that she has no  
11 opposition to this motion for early termination of supervised release.

12 Defense counsel has provided Assistant United States Attorney Ben  
13 Wagner with a draft of this motion. He has authorized defense counsel  
14 to state that he does not oppose this motion.

15 Mr. Winburn served a 63 month sentence of imprisonment in this  
16 case, without any negative incidents or violations. He taught GED  
17 classes and Spanish to other inmates and performed community service.  
18 His probation officer states that Mr. Winburn has completed all the  
19 terms of supervision.

20 Mr. Winburn has compelling reasons to request that supervision be  
21 terminated. Shortly after Mr. Winburn was incarcerated, his wife of 43  
22 years died suddenly and was buried in Mexico. Mr. Winburn has never  
23 visited her grave. He seeks to move to Mexico to live with his son.  
24 Mr. Winburn is 80 years old, receives Social Security income, and hopes  
25 to live more easily in Mexico than he can in the United States on such  
26 a limited income. He cannot travel to Mexico to visit his wife's grave  
27 or live with his son while on supervised release.

28 As Mr. Winburn has completed all conditions of supervised release

1 and requires no services from the probation office, he respectfully  
2 requests that his supervised release be terminated so that he may  
3 travel to visit his wife's grave in Mexico and live with his son.

4  
5 Respectfully submitted,

6 DANIEL J. BRODERICK  
Federal Defender

7 DATED: May 25, 2007

/s/Rachelle Barbour

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RACHELLE BARBOUR  
Assistant Federal Defender  
Attorney for Defendant  
10 LLOYD WINBURN

11 **O R D E R**

12 IT IS HEREBY ORDERED that Lloyd Winburn's term of supervised  
13 release be terminated as of the date of this Order.

14 Dated: \_\_\_\_\_

15 \_\_\_\_\_  
Hon. GARLAND E. BURRELL JR.  
16 UNITED STATES DISTRICT JUDGE